

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Angela Applegarth
Debtor(s)

Bankruptcy Case No.: 14-10097-TPA
Per December 6, 2016 Proceeding
Chapter: 13
Docket No.: 69 – 57, 59
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 15, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: No further payments shall be distributed to PSECU's secured claim in Part 5 of the plan, as that creditor has reported that the claim in paid in full.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 9, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Angela Applegarth
 Debtor

Case No. 14-10097-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

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 Total Noticed: 36

Date Rcvd: Dec 09, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 11, 2016.

db +Angela Applegarth, 870 N. Buhl Farm Dr., Hermitage, PA 16148-1556
 cr ECMC, ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
 r #+Terri Persch, Grove city Realty, 109 South Broad Street, Grove City, PA 16127-1522
 13818635 +100 CAMBRIDGE ST, SUITE 1600, BOSTON, MA 02114-2518
 13785632 +Acs/Brazos, 501 Bleecker St, Utica, NY 13501-2401
 13785633 +Aes/Brazos/Us Bank, Po Box 2461, Harrisburg, PA 17105-2461
 13785634 +American Education Svc, Po Box 2461, Harrisburg, PA 17105-2461
 13799530 +Andrew F. Gornall, Esquire, KML Law Group, P.C., 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 13785635 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, N.A., 4161 Piedmont Pkwy, Greensboro, NC 27410)
 13785636 +Chase, Po Box 15298, Wilmington, DE 19850-5298
 13785637 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 14090206 ECMC, PO Box 16408, St. Paul, MN 55116-0408
 13785640 +Fnb Cons Disc Co, 156 S Broad St, Grove City, PA 16127-1523
 13785643 +Gmac Mortgage, 3451 Hammond Ave, Waterloo, IA 50702-5300
 13785644 +Hsbc/Gatwy, Po Box 703, Wood Dale, IL 60191-0703
 13785645 +M&I Home Lending, 1901 Bell Ave Ste 15, Des Moines, IA 50315-1067
 13785646 +Mcydsnb, 9111 Duke Blvd, Mason, OH 45040-8999
 13799535 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, 350 Highland Dr, Lewisville, TX 75067)
 13785648 ++NEXTIER BANK, SPECIAL ASSETS, 245 PITTSBURGH RD, BUTLER PA 16001-3883
 (address filed with court: Nextier Bank, Po Box 250, Evans City, PA 16033)
 13799536 +Ocwen Loan Servicing, 12650 Ingenuity Dr, Orlando, FL 32826-2703
 13785649 +Ocwen Loan Servicing L, 12650 Ingenuity Dr, Orlando, FL 32826-2703
 13785650 +Ocwen Loan Servicing L, 3451 Hammond Ave, Waterloo, IA 50702-5345
 13785651 +P N C, 2730 Liberty Ave, Pittsburgh, PA 15222-4704
 13785652 +P S E C U, Po Box 1006, Harrisburg, PA 17108-1006
 13785653 +Sears/Cbna, Po Box 6283, Sioux Falls, SD 57117-6283
 13785655 +Sky Bank, 119 E Fifth St, East Liverpool, OH 43920-3030
 13785656 +Unvl/Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 13785657 +Us Dept Of Education, Po Box 5609, Greenville, TX 75403-5609
 13785658 +Wffnatbank, Po Box 94498, Las Vegas, NV 89193-4498

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13806067 +E-mail/Text: bncmail@w-legal.com Dec 10 2016 01:36:55 ALTAIR OH XIII, LLC,
 C O WEINSTEIN, PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 13789863 E-mail/Text: mrdiscen@discover.com Dec 10 2016 01:36:23 Discover Bank,
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025
 13785638 +E-mail/Text: mrdiscen@discover.com Dec 10 2016 01:36:23 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 13785641 +E-mail/PDF: gecsed@recoverycorp.com Dec 10 2016 01:34:42 Gecrb/Banana, Po Box 965005,
 Orlando, FL 32896-5005
 13785642 +E-mail/PDF: gecsed@recoverycorp.com Dec 10 2016 01:35:15 Gecrb/Banana Rep, Po Box 965005,
 Orlando, FL 32896-5005
 13798678 E-mail/Text: bankruptcynotices@psecu.com Dec 10 2016 01:37:08 PSECU, P.O. Box 67013,
 Harrisburg, PA 17106-7013
 13785654 +E-mail/Text: ebnteam@sscu.net Dec 10 2016 01:37:03 Seven Seventeen Credit,
 3181 Larchmont Ave Ne, Warren, OH 44483-2498

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr NATIONSTAR MORTGAGE LLC
 13799528* +Aes/Brazos/Us Bank, Po Box 2461, Harrisburg, PA 17105-2461
 13799529* +American Education Svc, Po Box 2461, Harrisburg, PA 17105-2461
 13785639* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Fia Csna, Po Box 982235, El Paso, TX 79998)
 13799531* +Chase, Po Box 15298, Wilmington, DE 19850-5298
 13799532* +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 13799533* +Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
 13799534* +Gecrb/Banana Rep, Po Box 965005, Orlando, FL 32896-5005
 13785647* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage Ll, 350 Highland Dr, Lewisville, TX 75067)
 13870001* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, LLC, ATTN: Bankruptcy Department,
 P.O. Box 630267, Irving, Texas 75063)
 13799537* +P S E C U, Po Box 1006, Harrisburg, PA 17108-1006
 13799538* +Unvl/Citi, Po Box 6241, Sioux Falls, SD 57117-6241

TOTALS: 1, * 11, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
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Total Noticed: 36

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Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 11, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 9, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor NATIONSTAR MORTGAGE LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor Angela Applegarth ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4